KINKEAD & STILZ, PLLC

ATTORNEYS AT LAW
NATIONAL CITY PLAZA
301 EAST MAIN STREET, SUITE 800
LEXINGTON, KENTUCKY 40507-1520
(859) 296-2300
FACSIMILE (859) 296-2566

RECEIVED

JUL 16 2010

PUBLIC SERVICE COMMISSION

FACSIMILE TRANSMITTAL LETTER

To: W. Duncan Crosby, III, Esq.

Ctall Manner Onder DI I C

Stoll Keenon Ogden PLLC

2000 West Jefferson Plaza

500 West Jefferson Street

Louisville, Kentucky 40202-2828

Hon. D. Joleen Frederick

City Attorney for West Liberty

Kentucky

c/o 511 Main Street

P.O. Box 508

West Liberty, Kentucky 41472

Kim Ison Gevedon, Esq.

579 Main Street, Suite 2

P.O. Box 216

West Liberty, Kentucky 41472

Dennis G. Howard, II, Esq. Lawrence W. Cook, Esq.

Paul D. Adams, Esq.

Assistant Attorneys General Office of the Ky. Att'y General

Office of Rate Intervention

1024 Capital Center Dr., Suite 200

Frankfort, Kentucky 40601-8204

Mr. Jeff DeRouen,

Executive Director

Kentucky Public Service

Commission

211 Sower Boulevard

P.O. Box 615

Frankfort, Kentucky 40602-0615

FROM: Wayne F. Collier and Shelby C.

Kinkead, Jr.

DATE: July 15, 2010

2212. July 10, 2010

FAX: (502) 627-8754

(606) 362-8939; (606) 743-2202;

and (606) 743-2551

(606) 743-7811

(502) 564-6801

(502) 564-3460

PHONE: (502) 333-6000

(606) 743-2550

(606) 743-3866

(502) 696-5609 / (502) 564-7600

(502) 564-3940

TIME: 7:56 p. m. EST

RE: In the Matter of: Elam Utility

Company, Inc., and its
Owner/Shareholder (Alleged

Abandonment of Service to
Morgan County, Kentucky), Case

No. 2010-00292, Commonwealth of Kentucky, Before the Public

Service Commission

Columbia Gas Transmission, LLC

v. Elam Utility Company, Inc., 10-fj-00002, United States District

Court for the Eastern District of

Kentucky, Ashland Division

Elam Utility and Counsel in the PSC Proceeding July 15, 2010 Fax Page 2

We are sending you 3 page(s), including this cover sheet. If you do not receive all of these page(s) or if you have any difficulty receiving this transmission, please call (859) 296-2300 and ask for Wayne. Also sent via post? Yes No ____.

MESSAGE: Dear Counsel, Elam Utility and the PSC:

Please be advised that we represent the interests of Columbia Gas Transmission, LLC ("Columbia-Transmission"), in connection with the rights that it has by virtue of the September 30, 2009, judgment that was recognized in an action styled Columbia Gas Transmission, LLC v. Elam Utility Company, Inc., 10-fj-00002, United States District Court for the Eastern District of Kentucky, Ashland Division (the "Action"), whereby Elam Utility Company, Inc. ("Elam Utility") was adjudged indebted to Columbia-Transmission in the sum of \$313,646.35, a copy of which is attached hereto. In addition, we have been advised that either Columbia-Transmission or Columbia Gulf Transmission Company ("Columbia-Gulf") is also owed another \$390,114.00, for a total of \$703,760.35.

The undersigned was advised by Mr. Andrew Melnykovich of the PSC that it would be helpful to file certain documents relating to this action with the PSC in a matter styled *In the Matter of: Elam Utility Company, Inc., and its Owner/Shareholder* (Alleged Abandonment of Service to Morgan County, Kentucky), Case No. 2010-00292, Commonwealth of Kentucky, Before the Public Service Commission. To that end, Columbia-Transmission has attached hereto the following:

- a. the judgment registered in the Action;
- b. a judgment lien filed yesterday afternoon in the Morgan County Clerk's Office;
- c. a judgment lien filed this afternoon in the Wolfe County Clerk's Office;
- d. an order of garnishment that was served today on Commercial Bank in West Liberty;
- e. an order of garnishment that was served today on Citizen's Bank in West Liberty;
- f. an order of garnishment that was served today on the Bank of the Mountains in West Liberty; and
- g. an order of garnishment that was served today on First National Bank of Grayson in West Liberty.

We have heard that the City of West Liberty is considering buying Elam Utility Company, Inc., or its assets. Although Columbia has not moved to intervene at this time, it would appreciate being

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONSTITUTES WORK PRODUCT AND IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or an agent or employee responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Elam Utility and Counsel in the PSC Proceeding July 15, 2010 Fax Page 3

apprised of any such developments and furnished with copies of any documents relating to a proposed sale and how the debt owed Columbia-Transmission will be paid in full. Furthermore, and, understandably, Columbia-Transmission expects to be paid what it is owed either by Elam and/or by any purchaser thereof or of Elam Utility's assets.

Please call me at once if you have any questions. Thank you.

Sincerely,
Warre F. Colley

cc: Wilma B. Sorrell, President
Elam Utility Company, Inc.
459 Main Street
West Liberty, Kentucky 41472

Columbia Gas Transmission, LLC

To be served by hand-delivery to the PSC on July 16, 2010

No. 5202 P. 4/29

Signature of Clerk or Deputy Clerk

Case 0:10-fj-00002-HRW Document 1-1 Filed 03/26/10 Page 1 of 2

AO 451 (Rev. 01/09) Clerk's Centification of a Judgment to be Registered in Another District United States District Court for the Eastern District of Virginia Columbia Gas Transmission, LLC Plaintiff Civil Action No. 1:09cv655 Elam Utility Company, Inc. Defendant CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT I certify that the attached judgment is a copy of a judgment entered by this court on (date) I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending. Date: December 30,2009 Fernando Galindo, Clerk CLERK OF COURT luceong Claratham

Case 0:10-fj-00002-HRW Document 1-1 Filed 03/26/10 Page 2 of 2 Case 1:09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DIS EASTERN DISTRIC Alexandria	CT OF VIRGINIA
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,	CALERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA
٧.) Civil Action No. 1:09cv655
ELAM UTILITY COMPANY, INC., Defendant.))

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby ORDERED that judgment is ENTERED by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is DIRECTED to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009

United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEPUTY CLERK

Case: 0:10-fj-00002-HRW Doc #: 14-1 Filed: 07/14/10 Page: 1 of 2 - Page ID#: 51

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY ASHLAND DIVISION CASE NO. 10-fj-00002-HRW

COLUMBIA GAS TRANSMISSION, LLC,

PLAINTIFF,

V.

NOTICE OF JUDGMENT LIEN

ELAM UTILITY COMPANY, INC.,

DEFENDANT.

TO: COUNTY CLERK OF MORGAN COUNTY, KENTUCKY

JUDGMENT DEBTOR:

Elam Utility Company, Inc.

459 Main Street

West Liberty, Kentucky 41472

JUDGMENT DATE:

September 30, 2009

JUDGMENT AMOUNT:

\$313,646.35

Take notice that the Judgment Creditor herein has obtained Judgment against the Judgment Debtor as set forth above and that this Notice constitutes a lien upon all real estate in this county in which said Judgment Debtor has any ownership interest.

NOTICE TO JUDGMENT DEBTOR

YOU MAY BE ENTITLED TO AN EXEMPTION UNDER KRS 427.060 REPRINTED BELOW. IF YOU BELIEVE YOU ARE ENTITLED TO ASSERT AN EXEMPTION, SEEK LEGAL ADVICE. KRS 427.060: (HOMESTEAD AND BURIAL PLOT EXEMPTIONS – EXCEPTIONS) In addition to any exemption of personal property, an individual debtor's aggregate interest, not to exceed five thousand dollars (\$5,000.00) in value, in real or personal property that such debtor or a dependent of such debtor uses as a permanent residence in this state, or in a burial plot for such debtor or a dependent of such debtor is exempt from sale under execution, attachment or judgment, except to foreclose a mortgage given by the owner of a homestead or for purchase money due thereon. This exemption shall not apply if the debt or liability existed prior to the purchase of the property or the erection of the improvements thereon.

Case: 0:10-fj-00002-HRW Doc #: 14-1 Filed: 07/14/10 Page: 2 of 2 - Page ID#: 52

CERTIFICATE OF SERVICE AND PREPARATION

This is to certify that I prepared this document and that a true and correct copy of the foregoing Notice of Judgment Lien was served by mailing same via regular first-class mail, postage pre-paid on the 14 day of July, 2010, to the following:

Elam Utility Company, Inc. 459 Main Street West Liberty, Kentucky 41472

Wayne F. Collies

Kinkead & Stilz, PLLC

301 E. Main Street, Suite 800

Lexington, Kentucky 40507

(859) 296-2300 phone

(859) 296-2566 facsimile

COUNSEL FOR PLAINTIFF,

COLUMBIA GAS TRANSMISSION, LLC

Case: 0:10-fj-00002-HRW Doc #: 21-1 Filed: 07/15/10 Page: 1 of 2 - Page ID#: 61

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY ASHLAND DIVISION CASE NO. 10-fj-00002-HRW

COLUMBIA GAS TRANSMISSION, LLC,

PLAINTIPF,

٧.

NOTICE OF JUDGMENT LIEN

ELAM UTILITY COMPANY, INC.,

DEFENDANT.

TO: COUNTY CLERK OF WOLFE COUNTY, KENTUCKY

JUDGMENT DEBTOR:

Elam Utility Company, Inc.

459 Main Street

West Liberty, Kentucky 41472

JUDGMENT DATE:

September 30, 2009

JUDGMENT AMOUNT:

\$313,646,35

Take notice that the Judgment Creditor herein has obtained Judgment against the Judgment Debtor as set forth above and that this Notice constitutes a lien upon all real estate in this county in which said Judgment Debtor has any ownership interest.

NOTICE TO JUDGMENT DEBTOR

YOU MAY BE ENTITLED TO AN EXEMPTION UNDER KRS 427.060 REPRINTED BELOW. IF YOU BELIEVE YOU ARE ENTITLED TO ASSERT AN EXEMPTION, SEEK LEGAL ADVICE. KRS 427.060: (HOMESTEAD AND BURIAL PLOT EXEMPTIONS—EXCEPTIONS) In addition to any exemption of personal property, an individual debtor's aggregate interest, not to exceed five thousand dollars (\$5,000.00) in value, in real or personal property that such debtor or a dependent of such debtor uses as a permanent residence in this state, or in a burial plot for such debtor or a dependent of such debtor is exempt from sale under execution, attachment or judgment, except to foreclose a mortgage given by the owner of a homestead or for purchase money due thereon. This exemption shall not apply if the debt or liability existed prior to the purchase of the property or the erection of the improvements thereon.

Case: 0:10-fj-00002-HRW Doc #: 21-1 Filed: 07/15/10 Page: 2 of 2 - Page ID#: 62

CERTIFICATE OF SERVICE AND PREPARATION

This is to certify that I prepared this document and that a true and correct copy of the foregoing Notice of Judgment Lien was served by mailing same via regular first-class mail, postage pre-paid on the 5th day of July, 2010, to the following:

Elam Utility Company, Inc. 459 Main Street West Liberty, Kentucky 41472

Wayne F. Collier

Kinkead & Stilz, PLLC

301 E. Main Street, Suite 800

Lexington, Kentucky 40507

(859) 296-2300 phone

(859) 296-2566 facsimile

COUNSEL FOR PLAINTIFF,

COLUMBIA GAS TRANSMISSION, LLC

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 82

SEDKy426 (Rev. 09/91) Order of Oamlshment (Non-wage)

Bastern District of Kentucky Pilitin

United States District Court EASTERN DISTRICT OF KENTUCKY

at Ashland

JUL 1 5 2010

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMES

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fi-0002

Garnishee:

Commercial Bank West Liberty, Kentucky 41472 Name and Address of Judgment

Creditor's Attorney

Amount Duc:

\$313,646.35

Wayne F. Collier, Esq. Kinkead & Stilz, PLLC

Court Costs:

301 East Main Street, Suite 800 Lexington, Kentucky 40507

THE UNITED STATES OF AMERICA:

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below:
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Gamishee within twenty (20) days of the receipt of this Order; and
 - (b) Forward to the Attorney named below your Answer, and,
 - (c) Send the original of your Answer to the Court.

JUL 1 5 2010

LESLIE G. WHITMER, CLERK

By: Jackie Sellsam Q. D.C.

IMPORTANT LEGAL NOTICE TO JUDOMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, APDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a sworn written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgueat Creditor's Attorney, Copy to Gamislice (sont by Judgement Creditor's Attorney)

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 83

SEDKy426 (Rev 09/91) Affidavit and Answer of Gamishee (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY at Ashland ELIDAVIT AND ANSWER OF GARNISHE

	at Ashland AFFIDAVIT AND ANSWER	OF GARNISHEE
Judgment Creditor:	COLUMBIA GAS TRANSMISSION, L	LC Garnishee's Date of Receipt
Judgment Debtor:	ELAM UTILITY COMPANY, INC.	Case Name and No. 10-fj-0002
Garoishee:	Commercial Dank West Liberty, Kentucký 41472	Name and Address of Judgment Creditor's Attorney
Amount Due: Court Costs:	\$313,646,35	Wayne F. Collier, Esq. Kinkead & Súlz, PLLC 301 East Mala Streel, Suite 800 Lexiogton, Kenoucky 40507
	ing first duly swom, states as follows:	•
At the time of the Judgment Debtor	Judgment Debtor is e service of the Order of Gamishment (Not or holds money belonging to the Judgment clonging to the Judgment Debtor and held	n-wage), the Garnishee herein is indebted to the ant Debtor in the amount of \$
debt in my posses I, or I on behalf o money so held by FORWARDED I. If I, or I on behalf forward, I hereby pending further of In addition, I have	ssion that belongs to the Judgment Debtor. If the Garnishee, have forwarded to the Judgment to the Judgment of the Amount due plus of S: \$	dgment Creditor's Attorney the amount of osts as shown on the reverse. THE AMOUNT' ove) other than money which I am unable to erty and will hold and safely keep such property
	GA	rnishee
	Ву:	Signature of Affiant Position (If Applicable):
Subscribed and sworn	to before me by the above Affiant this	day of, 20
My Commission Exp		Notary Public, State at Large
	TO FORM TO TO THE TOTAL TO	^

INSTRUCTIONS

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garnishee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 4 of 6 - Page ID#: 84

©EDKy426	(Rev. 09/91)	Affidavli for	Order of Camishn	ent (Nop-wage)

United States District Court **EASTERN DISTRICT OF KENTUCKY**

at Ashland

AFFIDAVIT FOR ORDER OF GARNISHMENT (NON-WAGE)

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Gamishee:

Commercial Bank

West Liberty, Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due: Court Costs:

\$313,646.35

Wayne F. Collier, Esq. Kinkead & Sulz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507

The undersigned affiant states that he is counsel for the Judgment Creditor and states as follows:

- 1. The above named Judgment Debtor(s) are not now, nor have they been at any time during the pendency of this action, in the active military service of the United States of America.
- 2. The date of the judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are: 9/30/2009

\$313,646.35

3. The following are indebted to said Judgment Debtor(s):

WHEREFORE: The Judgment Creditor prays for garnishment against the Judgment Debtor(s), that the Garnishee(s) named herein be made parties to this action, and that they be required to answer the garnishment(s) issued hereunder; and for its costs.

Subscribed and sworn to before me by the above affiant this 14th day of July

20 10

My Commission expires:

Signature of Clerk or Deputy Clark

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

Columbia Gas Transmission, LLC

Plaintiff

N. Civil Action No. 1:09ev655

Elam Utility Company, Inc.

Defendant

Certify that the attacked judgment is a copy of a judgment entered by this court on (date)

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date:

CLERK OF COURT

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 6-of 6 - Page ID#: 86 Case 0:10-fj-00002-HRW Document 1-1 Filed 03/26/10 Page 2 of 2 Case 1.09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DI EASTERN DISTRI Alexandria	ICT OF VIRGINIA
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,) CLERK, U.S. DISTRICT COURT ALEXANOMA, VIRGINIA
Ψ,) Civil Action No. 1:09ev655
ELAM UTILITY COMPANY, INC., Defendant.))

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby ORDERED that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby ORDERED that judgment is ENTERED by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE; CLERK, U.S. DISTRICT COURT

DEPUTY CLERK

Case: 0:10-fj-00002-HRW Doc #: 21-4 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 76

Eastern District of Kentucky FILED

SEDKy426 (Rev. 09/91) Order of Garnishment (Non-wage)

United States District Court EASTERN DISTRICT OF KENTUCKY

JUL 14 2010

at Ashland

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESCIE G WHITMER CLERK US DISTRICT COURT

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fi-0002

Garnishee:

Citizens Bank

Name and Address of Judgment

Creditor's Attorney

Amount Due: Court Costs:

\$313,646.35

West Liberry, Konneky 41472

Wayne F. Collier, Esq. Kinkead & Stilz, PLLC

301 East Main Street, Suite 800

THE UNITED STATES OF AMERICA:

Lexington, Kentucky 40507

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

(1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;

(2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;

(3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;

(4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:

(a) Using the form provided, Answer as Gamishee within twenty (20) days of the receipt of this Order; and

(b) Forward to the Attorney named below your Answer; and,

(c) Send the original of your Answer to the Court.

JUL 1 4 2010 Date:

LBSLIEG, WHITMER, CLERK

By: Jackle Seltsam D. D.C.

IMPORTANT LEGAL NOTICE TO JUDOMENT DERTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments, however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a swom written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgmont Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

Case: 0:10-fj-00002-HRW Doc #: 21-4 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 77

-	United States District	COURT
•	Eastern District of Kei	
	at Ashland	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	AFFIDAVIT AND ANSWER OF	GARNISHEE
Judgment Creditor	: COLUMBIA GAS TRANSMISSION, LLC	Garnishee's Date of Recelpt
Judgment Debtor.	ELAM UTILITY COMPANY, INC.	Case Name and No.
		10-წ-0002
Garnishee:	Chizens Bank West Liberty, Kentucky 41472	Name and Address of Judgment Creditor's Attorney
Amount Due: Court Costs:	\$313,646.35	Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 101 East Main Street, Suite 800 Lexington, Kentucky 40507
	oing first duly sworn, states as follows:	
1. The name of the	e Judgment Debtor is	(a) the Comishes herein in indehted to the
2. At the time of the	or or holds money belonging to the Judgment De	there in the amount of \$
3. Other property !	pelonging to the Judgment Debtor and held by m	ne is as follows (If none, put "none"):
,		
		· · · · · · · · · · · · · · · · · · ·
4 Lor Lon hehalf	of the Garnishee herein state that there is no off	ner money, property, or other evidence of
	of the Garnishee herein, state that there is no offession that belongs to the Judgment Debtor.	ner money, property, or other evidence of
debt in my posse 5. I, or I on behalf money so held b	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs	ent Creditor's Attorney the amount of
debt in my posses 5. I, or I on behalf money so held b FORWARDED	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm oy me to the extent of the amount due plus costs IS: \$	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT
debt in my posses 5. I, or I on behalf money so held b FORWARDED 6. If I, or I on beha forward, I hereb	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I herebe pending further In addition, I have	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm oy me to the extent of the amount due plus costs IS: \$	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I herebe pending further In addition, I have	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm oy me to the extent of the amount due plus costs IS: \$	other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor.
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I hereb pending further In addition, I have	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs IS: \$	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor.
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I herebe pending further In addition, I have	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs. IS: \$	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor. SHEE
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I herebe pending further In addition, I have	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs. IS: \$	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor.
debt in my poss. 5. I, or I on behalf money so held be FORWARDED 6. If I, or I on behalf forward, I herebe pending further 7. In addition, I has Attorney and a	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs. IS: \$	nent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor. SHEE
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debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I hereb pending further In addition, I has Attorney and a	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs IS: \$ If of the Garnishee, hold property (listed above) y disclose (in Paragraph 3 above) such property orders of the Court. ye sent the original of this Answer to the Court, copy or the Order of Garnishment (Non-wage) a GARNI By: Signary For to before me by the above Affiant this day pires:	ent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor. SHEE
debt in my posses I, or I on behalf money so held be FORWARDED If I, or I on behalf forward, I hereb pending further In addition, I has Attorney and a	ession that belongs to the Judgment Debtor. of the Garnishee, have forwarded to the Judgm by me to the extent of the amount due plus costs IS: \$ If of the Garnishee, hold property (listed above) y disclose (in Paragraph 3 above) such property orders of the Court. ye sent the original of this Answer to the Court, copy or the Order of Garnishment (Non-wage) a GARNI By: Signary For to before me by the above Affiant this day pires:	tent Creditor's Attorney the amount of as shown on the reverse. THE AMOUNT other than money which I am unable to and will hold and safely keep such property a copy to the Judgment Creditor's and of this Answer to the Judgment Debtor SHEE gnature of Affiant sition (If Applicable);

- mail the original of this Answer to the Coun, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

Case: 0:10-fj-00002-HRW Doc #: 21-4 Filed: 07/15/10 Page: 4 of 6 - Page ID#: 78

SEDKy426 (Rev. 09/91) Affidavit for Order of Camishnyen: (Non-wage)

United States District Court EASTERN DISTRICT OF KENTUCKY

at Ashland

AFFIDAVIT FOR ORDER OF GARNISHMENT (NON-WAGE)

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-15-0002

Garnishee:

Citizens Bank

West Liberty, Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due: Court Costs:

\$313,64635

Wayne F. Collier, Esq.

Kinhead & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507

The undersigned affiant states that he is counsel for the Judgment Creditor and states as follows:

1. The above named Judgment Deblor(s) are not now, nor have they been at any time during the pendency of this action, in the active military service of the United States of America.

2. The date of the judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are:

9/30/2009 \$313,646.35

3. The following are indebted to said Judgment Debtor(s):

WHEREFORE: The Judgment Creditor prays for garnishment against the Judgment Debtor(s); that the Garnishee(s) named herein be made parties to this action, and that they be required to answer the garnishment(s) issued hereunder; and for its costs.

Subscribed and sworn to before me by the above affiant this 14th day of July

20 10

My Commission expires: __09/21/2010

Case: 0:10-fj-00002-HRW2-PRW#: 21:4meFiled: 07/115/103/2008: 5-256: 8-20 ID#: 79

AO 451 (Rev. 0)/09) Clerk's Certification of a Judgment to be Registered in Another District UNITED STATES DISTRICT COURT Eastern District of Virginia Columbia Gas Transmission, LLC Plaintiff Civil Action No. 1,09cv655 Elam Utility Company, Inc Defendant CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending. Ternando Gallado, Clark Date: CLERK OF COURT Signature of Clerk or Deputy Clerk

IN THE UNITED STATES DI EASTERN DISTRI Alexandris	CT OF VIRGINIA	SEP 3 0 2009
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)	RAERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA
y.) Civil Action No. 1:	09ev655
ELAM UTILITY COMPANY, INC., Defendant.)	

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent de novo review of the record, it is hereby ORDERED that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby ORDERED that judgment is ENTERED by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enterjudgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEPLOY CLERK

Case: 0:10-fj-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 70

SEDKy426 (Rev. 09/91) Affidavit and Answer of Camishee (Non-wage) United States District Court EASTERN DISTRICT OF KENTUCKY at Ashland AFFIDAVIT AND ANSWER OF GARNISHEE Judgment Creditor: COLUMBIA GAS TRANSMISSION, LLC Garnishee's Date of Receipt Judgment Debtor: ELAM UTILITY COMPANY, INC. Case Name and No. 10-fj-0002 Garnishee: Name and Address of Judgment Henk of the Mountaine West Liberty, Kennicky 41472 Creditor's Attorney Wayne P. Colller, Esq. Klokesd & Stile PLIC 301 Fau Main Street, Suite 800 Amount Due: \$313,646.35 Court Costs: Lexington Kennuky 40507 The Affiant, after being first duly swom, states as follows: 1. The name of the Judgment Debtor is 2. At the time of the service of the Order of Gamishment (Non-wage), the Gamishee herein is indebted to the Judgment Debtor or holds money belonging to the Judgment Debtor in the amount of \$ 3. Other property belonging to the Judgment Debtor and held by me is as follows (If none, put "none"): 4. I, or I on behalf of the Gamishee herein, state that there is no other money, property, or other evidence of debt in my possession that belongs to the Judgment Debtor. 5. I, or I on behalf of the Garnishee, have forwarded to the Judgment Creditor's Attorney the amount of money so held by me to the extent of the amount due plus costs as shown on the reverse. THE AMOUNT FORWARDED IS: \$ 6. If L or I on behalf of the Garnishee, hold property (listed above) other than money which I am unable to forward, I hereby disclose (in Paragraph 3 above) such property and will hold and safely keep such property pending further orders of the Court. 7. In addition, I have sent the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy or the Order of Garnishment (Non-wage) and of this Answer to the Judgment Debtor. GARNISHEE Ву: Signature of Affiant Position (If Applicable): Subscribed and sworn to before me by the above Affiant this ______ day of _______, 20______ My Commission Expires: Notary Public, State at Large INSTRUCTIONS

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garolshee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

Case: 0:10-fj-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 71

Eastern District of Kentucky

SEDKy426 (Nev. 09/91) Order of Garnishment (Non-wage)

FILED

United States District Court EASTERN DISTRICT OF KENTUCKY

JUL 1 4 2010

at Ashland

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMER CLERK US DISTRICT COURT

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Garnishee:

Bank of the Moualains West Liberry, Kentucky 41472 Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313,646.35

Wayne F. Collier, Esq.

Court Costs:

Kinkend & Stilz, PLLC 301 Bast Main Street, Suite 800 Lexington, Kentucky 40507

THE UNITED STATES OF AMERICA:

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by malling a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Garnishee within twenty (20) days of the receipt of this Order;
 - (b) Forward to the Attorney named below your Answer; and,

(c) Send the original of your Answer to the Court,

JUL 1 4 2010 Date: __

LESLIE G. WHITMER, CLERK

By Jackle Seltsan D.C.

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a swom written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

No. 5202 P. 22/29

Case: 0:10-fj-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 4 of 6 - Page ID#: 72

>EDKy426 (Rev. 09/91) Affidavit for Order of Gamishment (Non-wage)

United States District Court EASTERN DISTRICT OF KENTUCKY

at Ashland

AFFIDAVIT FOR ORDER OF GARNISHMENT (NON-WAGE)

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Gamishee:

Bank of the Mountains

West Liberty, Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due!

\$313,646,35

Court Costs:

Wayne F. Coller, Esq. Kinkead & Stile, PLLC 301 East Main Street, Spile 800 Loxington, Kentucky 40507

The undersigned affiant states that he is counsel for the Judgment Creditor and states as follows:

- 1. The above named Judgment Debtor(s) are not now, nor have they been at any time during the pendency of this action, in the active military service of the United States of America.
- 2. The date of the judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are: 9/30/2009

\$313,646.35

3. The following are indebted to said Judgment Debtor(s):

WHEREFORE: The Judgment Creditor prays for gamishment against the Judgment Debtor(s); that the Garnishee(s) named herein be made parties to this action, and that they be required to answer the garnishment(s) issued hereunder, and for its costs.

Subscribed and swom to before me by the above affiant this 14th day of July

20 10

My Commission expires: ___09/21/2010

Cruly P. Hrane Notary Public, State at Chree

Signature of Clerk or Deputy Clerk

Case: 0:10-fj-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 5 of 6 - Page ID#: 73 Case 0:10-fj-00002-HRW Document 1-1 Filed 03/26/10 Page 1 of 2

AO 451 (Rev 0).09) Clark's Continuation of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT Eastern District of Virginia Columbia Gas Transmission, LLC Plaintiff Civil Action No. 1:09cv655 ٧. Elam Utility Company, Inc. Defendam CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT I certify that the attached judgment is a copy of a judgment entered by this court on (data) _______09/30/2009 I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending. Fernando Galindo, Clark CLERK OF COURT

Case: 0:10-fig00002-HBW02-PASW: 21-3 Filed: 07/15/10 Page: 6 of 6 - Page ID#: 74

Case 1:09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DI EASTERN DISTRIC Alexandria	
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,) CERR, U.S. DISTRICT COURT ALEXANDRIA VIRGINIA
Ψ,) Civil Action No. 1:09cv655
ELAM UTILITY COMPANY, INC., Defendant.))

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent de novo review of the record, it is hereby ORDERED that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby ORDERED that judgment is ENTERED by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is DIRECTED to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEPUTY CLERK

Case: 0:10-fj-00002-HRW Doc #: 21-2 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 64

Eastern District of Kentucky

EDKy426 (Rev. 09/91) Order of Oamishineai (Non-wage)

FLED

United States District Court EASTERN DISTRICT OF KENTUCKY

JUL 1 4 2010

at Ashland

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMER

Judgment Creditor:

CLERK US DISTRICT COURT

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Garnishee:

First National Bank of Grayson West Liberty. Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313,646.35

Wayne F. Collier, Esq.

Court Costs:

Kinkead & Stilz, PLLC

THE UNITED STATES OF AMERICA:

301 East Main Street, Suite 800 Lexington, Kentucky 40507

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Gamishee within twenty (20) days of the receipt of this Order;
 - (b) Forward to the Attorney named below your Answer; and ...
 - (c) Send the original of your Answer to the Court.

JUL 1 4 2010

LESLIE G. WHITMER, CLERIC

By: Jackia Seltamp. D.C.

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a gainst under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a sworn written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice,

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

SEDKy426 (Rev. 09/91) Affidavit and Answer of Camishee (Non-wage)

No. 5202 P. 26/29

Case: 0:10-fj-00002-HRW Doc #: 21-2 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 65

United States District Court EASTERN DISTRICT OF KENTUCKY at Ashland AFFIDAVIT AND ANSWER OF GARNISHEE Judgment Creditor: COLUMBIA GAS TRANSMISSION, LLC Garnishee's Date of Receipt Case Name and No. Judgment Debtor: ELAM UTILITY COMPANY, INC. 10-fj-0002 Garnishee: Name and Address of Judgment First National Bank of Graveon West Liberry, Kennicky 41472 Creditor's Attorney Amount Due: \$313,646.35 Wayne F. Collier, Esq. Kinkerd & Stilz PLLC Court Costs: 301 East Main Street, Sulto 800 Lexington, Kontucky 40507 The Affiant, after being first duly swom, states as follows: 1. The name of the Judgment Debtor is 2. At the time of the service of the Order of Gamislunent (Non-wage), the Gamishee herein is indebted to the Judgment Debtor or holds money belonging to the Judgment Debtor in the amount of \$ 3. Other property belonging to the Judgment Debtor and held by me is as follows (If none, put "none"): 4. I, or I on behalf of the Gamishee herein, state that there is no other money, property, or other evidence of debt in my possession that belongs to the Judgment Debtor. 5. I, or I on behalf of the Gamishee, have forwarded to the Judgment Creditor's Attorney the amount of money so held by me to the extent of the amount due plus costs as shown on the reverse. THE AMOUNT FORWARDED IS: \$ 6. If I, or I on behalf of the Garnishee, hold property (listed above) other than money which I am unable to forward, I hereby disclose (in Paragraph 3 above) such property and will hold and safely keep such property pending further orders of the Court. 7. In addition, I have sent the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy or the Order of Gamishment (Non-wage) and of this Answer to the Judgment Debtor. **GARNISHEE** By: Signature of Affiant Position (If Applicable): Subscribed and sworn to before me by the above Affiant this ___ day of ___ My Commission Expires: Notary Public, State at Large INSTRUCTIONS

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Recelpt, but within 20 days from Garnishee's Date of Recelpt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

20 10

Case: 0:10-fj-00002-HRW Doc #: 21-2 Filed: 07/15/10 Page: 4 of 6 - Page ID#: 66

SEDKy426 (Rev. 09/91) Affidavit for Order of Oamithment (Non-wage) United States District Court **EASTERN DISTRICT OF KENTUCKY** at Ashland AFFIDAVIT FOR ORDER OF GARNISHMENT (NON-WAGE) COLUMBIA GAS TRANSMISSION, LLC Judgment Creditor: Judgment Debtor: ELAM UTILITY COMPANY, INC. Case Name and No. 10-fi-0002 First National Bank of Grayson Name and Address of Judgment Garnishee: West Liberty, Kentucky 41472 Creditor's Attorney Wayno F. Collier, Esq. Kinkead & Slilz, PLLC Amount Due: \$313,646.35 Court Costs: 301 East Main Street, Suite \$00 Lexington, Kentucky 40307 The undersigned affiant states that he is counsel for the Judgment Creditor and states as follows: 1. The above named Judgment Debtor(s) are not now, nor have they been at any time during the pendency of this action, in the active military service of the United States of America. 2. The date of the judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are: 9/30/2009 \$313,646.35 3. The following are indebted to said Judgment Debtor(s): WHEREFORE: The Judgment Creditor prays for garnishment against the Judgment Debtor(s); that the Gamishee(s) named herein be made parties to this action, and that they be required to answer the garnishment(s) issued hereunder; and for its costs.

Subscribed and sworn to before me by the above affiant this 14th day of July

My Commission expires: __09/21/2010

No. 5202 P. 28/29

Case: 0:103/j. 00.002-brook-HPRW#:000comeFiled: 07/19/103/26/19: 53761-0f2ge ID#: 67

AO 451 (Rev. 01/09) Clerk's Cardification of a Judgment to be Registered in Another Distri	C1
United States Dist	RICT COURT
for the	
Eastern District of Vi	rginia
Columbia Gas Transmission, LLC Plaintiff V. Elam Utility Company, Inc. Defendant)	Civil Action No. 1.09cv655
CLERK'S CERTIFICATION OF A JUDGMENT TO BE	
l also certify that, as appears from this court's records, no m before this court and that no appeal has been filed or, if one was file	otion listed in Fed. R. App. P. 4(a)(4)(A) is pending
Date:	Proceeds Selecto, Clerk CLERK OF COURT
	<u> </u>

Case: 0:10-1-00002-HRW Document 1-1 Filed 03/26/10 Page 2 of 2

Case 1:09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DI EASTERN DISTRI Alexandria	CT OF VIRGINIA
COLUMBIA GAS TRANSMISSION, LLC, -Plaintiff,) CLERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA
٧.) Civil Action No. 1:09cv655
ELAM UTILITY COMPANY, INC., Defendant.))

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby ORDERED that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby ORDERED that judgment is ENTERED by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is DIRECTED to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COLIRT

DEPLITY CLERK